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**MAR 25 1993**

FEDERAL COMMUNICATIONS COMMISSION  
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Carl F. Guy

Frederick R. Guy

March 16, 1993

The Commissioner  
Federal Communications Commission  
Washington, DC 20554

RE: The Code of Federal Regulations

The Commissioner, FCC  
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March 16, 1993

Secondly, I wish to protest the proposal of not adopting cross-ownership restrictions unique to 28GHz service. The Commission states that "There is no assurance of video entertainment programming being the primary use of the service." In consideration of the Commission recognizing Suite 12's technological advancement in video service delivery by way of a Pioneering preference and the Commission's review of 971 applications for video service delivery across the country I feel that there is reliable evidence of the initial intended use of 28GHz service for video service delivery. The Cable TV Consumer Projection and Competition Act of 1992 specifically prohibits cable operators from holding a license for multichannel multipoint distribution service in tried franchised areas. The intent of the Act is very clear in making a concerted effort to avoid further monopolization and the need for competition in video delivery. Cable Television Technology already allows for vastly increased channel expansion for video and other communication services. To extend this availability of spectrum to the 28GHz range over the air would only hamper potential competition and enhance monopolization. Areas served by MMDS operations have shown clearly that consumers benefit from lower priced video delivery service and this should be extended to LMDS. The 1992 Act makes additional specific reference to the criterion for rate regulation exemption based on markets having 2 providers of multichannel programming reaching 50% of homes. Clearly, the intent of the Act was to aid in establishing competition. The Sherman Act specifically prohibits unreasonable contracts, conditions and conspiracies in restraint of trade and monopolization, attempts to monopolize and conspiracies to monopolize. I want to emphasize that the only purpose for a